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J. Hoteopoulos

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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-190396

DATE: May 2, 1978

MATTER OF: Health Care Out-Patient Programs, Inc.

DIGEST:

GAO will not review determination of nonresponsibility of small business offeror where such determination was referred to and concurred in by Small Business Administration (SBA) since disposition of SBA with regard to such matters is final.

Health Care Out-Patient Programs Inc., a small business concern, protests a contracting officer's determination of nonresponsibility concerning its firm, the apparent low offeror under Solicitation No. 523-70-77, issued by the Veterans Administration (VA) Hospital, Boston, Massachusetts.

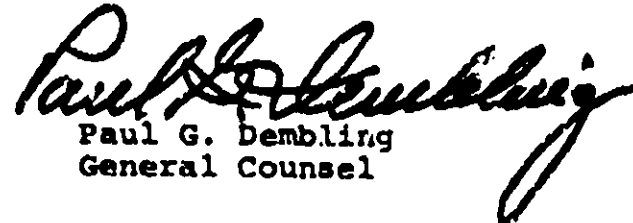
The contracting officer's determination of nonresponsibility was referred to the Small Business Administration (SBA), Region 1, which has advised the contracting officer that based on a comprehensive analysis of all available information, SBA has declined to certify the protester as an eligible contractor in this instance.

Under 15 U.S.C. 637(b)(7) (1976), as amended by Pub. L. 95-89, § 501, 91 Stat. 561, August 4, 1977, the SBA has authority to certify to Government procurement officers "with respect to all elements of responsibility, including, but not limited to, capability, competency, capacity, credit, integrity, perseverance, and tenacity of any small business concern * * * to receive and perform a Government contract." This Office does not review SBA determinations or require the SBA to declare a prospective contractor eligible for award since, by law, the disposition of the SBA on the matter is final. See Ikard Manufacturing Co., B-190450, October 28, 1977, 77-2 CPD 332.

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Accordingly, this protest is dismissed.


Paul G. Dembling
General Counsel